

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 1032

Introduced by Senator Murray

February 21, 2003

An act ~~relating to business~~ to add Section 653z to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Murray. ~~Royalty practices~~ Motion picture theaters: unauthorized recordings.

(1) Existing law provides that a person admitted to a theater in which a motion picture is to be or is being exhibited who refuses to cease the operation of a video recording device upon the request of the theater owner is guilty of intentionally interfering with and obstructing the operation of a lawful business, a misdemeanor.

This bill would provide, in addition, that every person who operates a recording device in a motion picture theater while a motion picture is being exhibited, without the express written authority of the owner of the motion picture theater, is guilty of a public offense and shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,500, or by both that fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law regulates contracts for the payment of royalties between proprietors of retail establishments and copyright owners and performing rights societies, which are defined to mean associations or corporations that license the public performance of nondramatic musical works on behalf of copyright owners.~~

~~This bill would declare the Legislature's intent to enact legislation relating to the royalty practices of the musical recording industry.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation relating to the royalty practices of the musical~~
3 ~~recording industry.~~

4 *SECTION 1. Section 653z is added to the Penal Code, to read:*
5 *653z. (a) Every person who operates a recording device in a*
6 *motion picture theater while a motion picture is being exhibited,*
7 *without the express written authority of the owner of the motion*
8 *picture theater, is guilty of a public offense and shall be punished*
9 *by imprisonment in a county jail not exceeding one year, by a fine*
10 *not exceeding two thousand five hundred dollars (\$2,500), or by*
11 *both that fine and imprisonment.*

12 *(b) For the purposes of this section, the following terms have*
13 *the following meanings:*

14 *(1) "Recording device" means a photographic, digital or video*
15 *camera, or other audio or video recording device capable of*
16 *recording the sounds and images of a motion picture or any portion*
17 *of a motion picture.*

18 *(2) "Motion picture theater" means a theater or other premises*
19 *in which a motion picture is exhibited.*

20 *SEC. 2. No reimbursement is required by this act pursuant to*
21 *Section 6 of Article XIII B of the California Constitution because*
22 *the only costs that may be incurred by a local agency or school*
23 *district will be incurred because this act creates a new crime or*
24 *infraction, eliminates a crime or infraction, or changes the penalty*
25 *for a crime or infraction, within the meaning of Section 17556 of*
26 *the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

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